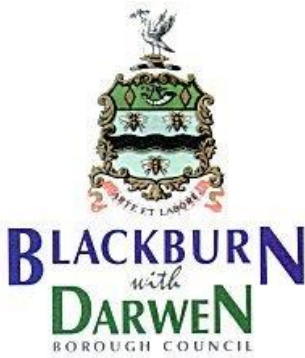


# EXECUTIVE MEMBER DECISION



|                       |   |
|-----------------------|---|
| <b>REPORT OF:</b>     | Executive Member for Finance and Governance and the Executive Member for Environment and Operations |
| <b>LEAD OFFICERS:</b> | Deputy Director Legal and Governance, Director of Environment and Operations                        |
| <b>DATE:</b>          | 31 January 2024   |

**PORTFOLIO/S AFFECTED:** All Departments

**WARD/S AFFECTED:** (All Wards);

**SUBJECT: EMD Report Enforcement and Prosecution Policy Review**

## 1. EXECUTIVE SUMMARY

The Council's Enforcement and Prosecution policy was originally approved and adopted at the Executive Board meeting on 11 October 2018. The policy was reviewed in 2021 with some minor amendments which were approved by Executive Member Decision on 22 October 2021. It has now been further reviewed and there are further relatively minor amendments recommended as shown in red in the policy attached at Appendix 1.

## 2. RECOMMENDATIONS

That the Executive Member:

- Agrees to adopt the amendments to the Enforcement and Prosecution policy.

## 2. BACKGROUND

At the Executive Board on Thursday 11 October 2018 the Council's Enforcement and Prosecution Policy was first noted, approved and adopted.

The policy was reviewed in 2021 with a number of minor amendments to reflect current law and practice. For instance, references to government departments were updated after name changes and all the links to the Codes of Practice and legislation in the policy have also been refreshed. There were also amendments to improve on the wording of some sections for clarity and to make reference to matters such as revenues and benefits enforcement, use of contracted enforcement officers, animal welfare and landlord banning orders which had been omitted previously. This was approved by EMD in October 2021.

Now in 2023, as a result of a request by the Head of Service Public Protection, a further review has taken place necessitated by a requirement to enter into an MOU with the HMRC to collaborate in relation to some enforcement matters.

Appendix 1 is the new full version with the amendments in red.

Appendix 2 is the short version showing the main amendments

Whilst the terms of the policy require a review every 3 years, it also allows earlier reviews if changes of circumstances or legal requirements make that necessary.

#### 4. KEY ISSUES & RISKS

The general need for the policy to ensure compliance with Government Codes of Practice and the law has already been established at adoption stage in 2019. The policy contains a requirement that it is reviewed formally and this ensures that it reflects current law and practice.

#### 5. POLICY IMPLICATIONS

This policy contributes in the main to the following corporate priorities:

[A more prosperous Borough](#)

[Healthier happier and Safer Communities](#)

[Every Child and young person to have opportunities to fulfil their potential](#)

#### 6. FINANCIAL IMPLICATIONS

The policy is relevant to all current enforcement activity but does not require any additional resources to operate.

#### 7. LEGAL IMPLICATIONS

This policy continues to demonstrate the Council's commitment to the Regulators Code and the Code of Crown Prosecutors.

#### 8. RESOURCE IMPLICATIONS

Continuing to adhere to the policy will not require any additional resources.

#### 9. EQUALITY AND HEALTH IMPLICATIONS

**Please select one of the options below. Where appropriate please include the hyperlink to the EIA.**

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

#### 10. CONSULTATIONS

This policy has been drafted in consultation with the following departments – licensing, community safety, planning, education, audit, housing standards, public protection and Revenues and Benefits.

#### 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The

recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

**12. DECLARATION OF INTEREST**

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

**VERSION:** 1

**CONTACT OFFICER:** Shelagh Lyth

**DATE:** 3 November 2023

**BACKGROUND PAPER:** Previous draft and emails